

### **REMARKS**

Claims 1-14 are now pending in the application. Claim 1 is amended. Claim 15 is added. No new matter is presented. Thus, in view of the above amendment and the following remarks, Applicants respectfully request the withdrawal of the rejections. Also, Applicants request that the correspondence address to the present application be corrected. The present application is assigned to Globus Medical Inc. as indicated by the attached assignment. Also, attached is a power of attorney indicating the correspondence address for the present application.

### **CLAIM OBJECTIONS**

Claim 1 is objected to for containing an informality. Claim 1 is amended. No new matter is presented. In view of the above amendment, Applicants respectfully request the withdrawal of the objection to claim 1.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 6, 7, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being unpatentable. Claim 1 is amended to more clearly recite the features of the claimed invention. No new matter is presented. In view of the above amendments to claim 1, Applicants respectfully request the withdrawal of the objection to claims 6, 7, and 9-13.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 8, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vrespa et al (U.S. Patent 5,593,401). This rejection is respectfully traversed.

Vrespa discloses a bone screw having a core, a cylindrical neck of a diameter equal or greater than the maximum diameter of the thread. The screw is provided with two types of threads, the first thread being of a larger pitch for fixing into the bone tissue and a second thread which enable of the self- tapping type for fixing into the cortical bone opposite the point at which the screw is inserted into the bone.

It is respectfully submitted that Vrespa does not teach or suggest all the features recited in claim 1. Specifically, it is submitted that Vrespa fails to teach or suggest the feature of the the tail portion being provided with a socket end, wherein the socket end of the tail portion is adapted to be flush with the surface of the bone or under the bone surface after the bone screw is fully inserted. In contrast to the claimed invention, Vrespa discloses a cylindrical neck that extends over the surface of the bone. Whereas in the claimed invention, as illustrated in FIGS. 1 and 2, the bone screw can be inserted to be flush with the surface of the bone or even inserted under the surface of the bone. Thus, the feature of having a socket end at the tail portion that is configured to be flush with the surface of the bone or be inserted under the bone surface is neither taught nor suggested by Vrespa. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 1 in view of the above amendments. Since claims 2-14 depend from claim 1, for the same reasons applicable to claim 1, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2-14.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 4, 6, 7, 9, 10, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vrespa. Claim 1 is amended to more clearly recite the features of the claimed invention. Since claims 4, 6, 7, 9, 10, 12, and 13 depend from claim 1, and for at least the

reasons discussed above, it is submitted that claims 4, 6, 7, 9, 10, 12, and 13 recite patentable subject matter. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 4, 6, 7, 9, 10, 12, and 13.

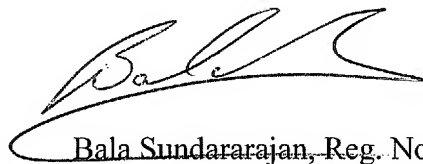
Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vrespa in view of Frigg et al. (U.S. Patent No. 5,180,382). This rejection is respectfully traversed.

Since claim 5 depends from claim 1, for at least the same reasons discussed above, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 5.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (610) 415-9000 x1174. No additional fees are believed due for this submission, however, if any additional fees are required; please charge such fees to Globus Medical Deposit Account No. 50-4131.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bala Sundararajan', with a long horizontal flourish extending to the right.

Bala Sundararajan, Reg. No. 50,900

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